

REMARKS/ARGUMENTS

Claims 1 and 15-18 remain in this application. Claims 2-14 have been canceled.

The examiner has acknowledged that claims 15-18 are allowed.

In response to the Final Office Action of June 3, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejection under 35 USC 103(a)

Claim 1 stands rejected as obvious in view of Rupp and Potter, Jr.. As amended, the claim more clearly defines the area of the rod holder between the central opening and the outer circumferential edge. This area was considered to be the, "perimeter," however the Examiner has interpreted the term to be limited to the periphery of the holder. The claim now recites a rod holder with an uninterrupted upper surface devoid of screw holes or other attachment fixtures which prevents water from accumulating in depressions and penetrating into the structure of the boat.

As stated in the previous amendment, "Both Rupp and Potter have fasteners penetrating the upper flange to expose the flange and the boat structure to invasion of water." This is still true. Without a reference that teaches the claimed structure, the combination of references cannot teach one of ordinary skill in the


art to make something not shown by the references.

This amendment was not earlier presented because the Examiner's interpretation of, "perimeter," was not clear. The amendment reduces the issues for appeal and places the case in condition for allowance.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,


C. Fred Rosenbaum
Registration # 27110

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)

\\\\Ns2\\SERVER\\CLIENT FILES\\2600-2699\\2657 - Release Marine\\2657U_000001 - UT PAT\\Amendments\\Response to FA
6-3-05.wpd